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22907 7590 03/02/2010 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
ELLIOTT IV, BENJAMIN H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Continuation of PTOL-303***

1. In the response to the Office action mailed 11/10/2009, Applicant argues United States Patent Application Publication 2005/0174929 A1 to Hayashi (hereinafter "Hayashi") fails to disclose "an accessor configured to access at least one symbol which is adapted to establish a distinguishable power based pattern for pilot carriers in the at least one symbol" (Remarks, page 9). Examiner respectfully disagrees.

**Applicant specifically argues** the reference Hayashi fails to disclose "an accessor configured to access at least one symbol which is adapted to establish a distinguishable power based pattern for pilot carriers in the at least one symbol". Examiner cited Hayashi, paragraphs [0206-0207] to describe the limitation. In the paragraphs, the differential power calculator takes into consideration differential power responses corresponding to a change amount in the responses for pilot signals in one cycle (at least one symbol). The embodiment averages the change amounts obtained for the pilot-inserted carriers and formulates fading information. Based on this information, the channel responses can be calculated to the degree of the fading (Hayashi: [0212]). Examiner has interpreted the above cited paragraphs to read on the "distinguishable power based pattern", as written in the claims, as the pattern of signals influencing described in Figure 2 and [0084-0086].

**Applicant argues** the Examiner's interpretation of Hayashi's Figure 2 is incorrect. It is the Examiner's intention to point out how the channel responses for the pilot signals are obtained (every four symbols). Figure 2 and paragraph [0009] in

combination with paragraphs [0206-028] of Hayashi disclose how the power-based pattern is established. The differential power calculator determines the difference between the channel responses (a plurality of responses) for the pilot signals from the channel response calculation section and the memory. This differential power output from the calculator then corresponds to the change amount in the channel responses for pilot signals in one cycle for a number of symbols (wherein "N" may be one symbol). This would establish a pattern of output power over a plurality of cycles.

Examiner respectfully suggests clarifying the limitation "an accessor configured to access at least one symbol which is adapted to establish a distinguishable power based pattern for pilot carriers in the at least one symbol", as it does not distinguish to what, either a symbol or the accessor, the word "which" is referring.

/B. E./

Examiner, Art Unit 2474

/Steven HD Nguyen/

Primary Examiner, Art Unit 2473